



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/705,936

11/13/2003

Axel Andersson

027651-145

6572

21839

7590

02/24/2009

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

3627

NOTIFICATION DATE

DELIVERY MODE

02/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/705,936	Applicant(s) ANDERSSON ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3627

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) received January 29, 2009. Claims 1-7 have been amended. Claims 1-7 remain pending further examination.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird (US Patent No 7,062,262) in view of Stamm et al (US 6,705,523).

Art Unit: 3627

4. As per claim 1, Baird teaches a method of tracking in production in a plant for liquid foods, comprising:

allocating a unit identity to production units in the plant, the unit identity is registered and constitutes at least one of a source and a destination **(see at least column 2, lines 12-23, 56-60, column 1, lines 40-60; products are given an identifier for tracking);**

allocating a work identity of the product in the production, and registering the work identity **(see at least column 1, line 40-column 2, lines 23; each input ingredient/process is given an identifier);**

registering events in the plant with the work identity of the product, to identify a transport of at least a portion of the material from a source with reference to the unit identity of the source and/or to a destination with reference to the unit identity of the destination **(see at least column 1, line 40-column 2, lines 23, column 2, lines 56-61, column 4, lines 14-50);** and

displaying data associated with at least one event of a specific point in time based on the unit identity of a production unit and the work identity of the material quantity **(see at least column 4, lines 13-50, column 5, lines 41-43, column 6, line 66-column 7, line 33; customers or operators are presented with results showing the processes of a target item including process locations and dates, at different stages of the production chain).**

Baird fails to explicitly teach allocating a work identity to a *material quantity* and registering events in the plant with the work identity of *the material quantity*. However, in the same field of endeavor, Stamm et al teach a system and method for tracking supplies in a production line including labeling supplies with barcodes indicating production line delivery location, load sequence, *load quantity*, and lot number to facilitate tracking and routing **(see at least column 2, lines 44-57, abstract)**. It would have been obvious to one of ordinary skill in

Art Unit: 3627

the art at the time of the Applicant's invention to combine the teachings of Stamm et al with the system of Baird because doing so would allow Baird's system to also track the quantity of the ingredients and the product as it moves through the production chain.

5. As per claim 2, Baird teaches wherein the work identity is registered in a specifically adapted database **(see at least fig 1, 140; central database)**.

6. As per claim 3, Baird teaches wherein the material quantity is determined by a certain product, by a certain volume and/or a quantity **(see at least column 2, lines 12-23)**.

7. As per claim 4, Baird teaches wherein the unit identity and the work identity include a number of figures, letters and/or a combination of figures and letters **(see at least column 3, lines 18-23)**.

8. As per claim 5, Baird teaches wherein the work identity of a material quantity changes identity based on a registered event **(see at least column 2, lines 4-24, column 5, lines 15-40)**.

9. As per claim 6, Baird teaches wherein the registered events and a material flow in the plant are illustrated in a user interface using a tree structure **(see at least column 6, lines 45-65, fig 1)**.

10. As per claim 7, Baird teach tracking the production of the product as it goes through the different processes in the production chain but fails to explicitly teach wherein the work identity

Art Unit: 3627

of a material quantity includes *washing of at least one of the production units, said material quantity having no source and no destination*. However, the washing of production units in a production chain is well known in the art. It would have therefore been obvious to include the washing of at least one production unit as one of the tracked processes in the system of Baird because doing so would allow for Baird's system to track all processes in a production chain including the washing of a production unit since the chemicals used to wash the production unit might be of interest in situations where an end product is determined to be tainted. This event would not need a source or destination entry.

Conclusion

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
February 16, 2009
/Ramsey Refai/
Examiner, Art Unit 3627